

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

JERRY D. ALEXANDER, SR,

Plaintiff;

v.

BMW OF NORTH AMERICA, LLC;
AUDI OF AMERICA, LLC; FORD
MOTORS SERVICE CO.; PORSCHE
CARS NORTH AMERICA, INC.;
GENERAL MOTORS CO.; VOLVO
CAR USA, LLC,

Defendants.

C.A. No. 22-1488-CFC

DEMAND FOR JURY TRIAL

**DEFENDANT BMW OF NORTH AMERICA, LLC'S
MOTION TO DISMISS UNDER FED. R. CIV. P. 12(b)(6)
OR TO SEVER UNDER FED. R. CIV. P. 21**

Pursuant to Fed. R. Civ. P. 12(b)(6), Defendant BMW of North America, LLC (“BMW NA”), respectfully moves to dismiss Plaintiff Jerry D. Alexander, SR’s (“Alexander” or “Plaintiff”) complaint for failure to state a claim against BMW NA. In the alternative, BMW NA also respectfully moves to sever under Fed. R. Civ. P. 21 because it has been misjoined in this action contrary to 35 U.S.C. § 299. The grounds for this motion are set forth in BMW NA’s opening brief, filed herewith.

Dated: December 5, 2022

DLA PIPER LLP (US)

/s/ Brian A. Biggs

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